

REMARKS

Examiner's Requests*Incorporation of Unger, et al.*

The Examiner has requested clarification as to "update the status of documents on page 86" in regards to Unger, et al., Science (April 7, 2000) 288:113-116.

Applicants have amended the specification to delete the Unger reference as a separate document, but not its incorporation by reference. If Unger is found to provide essential material, then Applicants will amend the specification in accordance with MPEP §608.01(p) to include Unger.

IDS documents

The Examiner has noted that "No copies of the documents were included with the LISTINGS (4)", and has not considered such references. For the convenience of the Examiner, Applicants are providing shortly such references by hand delivery. Applicants however believe they have complied with 37 C.F.R. §1.98(d)(1-2) and are therefore not required to provide such references.

Rejections under 35 U.S.C. §102(b)*Unger, et al.*

The Examiner has rejected Claims 1-25 and 32-43 as being anticipated by Unger et al., Science, Vol. 288, pp 113-116 (April 7, 2000). Applicants respectfully traverse this rejection for the following reason.

The Examiner has not met his burden of showing that Unger is PRIOR ART under 35 U.S.C. §102(b). The present application was filed on April 6, 2001, which is less than one year from the date of publication of Unger (April 7, 2000). Applicants politely point out what the Examiner undoubtedly knows, under 35 U.S.C. §102(b),

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States

35 U.S.C. §102(b) (emphasis added)

Accordingly, because Unger was not a publication at the time of filing of the present application, Unger cannot be used as a reference under 35 U.S.C. §102(b). Applicants respectfully request that this rejection be withdrawn.

Holster, et al.

The Examiner has rejected Claims 1-25 and 32-43 as being anticipated by Holster et al., U.S. 3,747,628. Applicants respectfully traverse this rejection for the following reason.

Holster does not disclose each and every element of the claimed invention because disclose or fairly suggest, among other things, an elastomeric block as recited in Applicants claims.

It is well settled that for a reference to anticipate a claimed invention, that reference must teach each and every element of the claimed invention. Therefore, it cannot be fairly said that Holster anticipates the Applicant's claimed invention because Holster only discloses separate layers, not an elastomeric block which is monolithic. Accordingly, Applicants respectfully request this rejection be withdrawn.

CONCLUSION

Applicants believe the claim is now in condition for allowance for the foregoing reasons. Accordingly, Applicants respectfully request a Notice of Allowance. If, in the Examiner's opinion, a telephone conference may be helpful, Applicants' counsel may be contacted at the number below.

Very truly yours,



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